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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,074	04/12/2004	Chieh-Chih Tsai	ACIP0023USA	3073

27765 7590 11/21/2006

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD, VA 22116

EXAMINER

ALAM, FAYYAZ

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,074

Applicant(s)

TSAI, CHIEH-CHIH

Examiner

Fayyaz Alam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/20/2004 & 4/12/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement submitted on 4/12/2004 and 4/20/2004 been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 - 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Particular in regards to **claims 1 and 10**. A fourth wireless device as disclosed has no knowledge of the measured signal strengths at the second and third wireless device and therefore cannot determine a nearest wireless device. There are critical steps and components missing from the disclosed claims. Prior art will be applied with the best of examiner's understanding.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 5, 7, 8, 10, 11, 13, 14, 16, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by **Kaiser et al. (U.S. Patent # 6,990,428)**.

Consider **claims 1 and 10**, Kaiser et al. disclose wireless network comprising: an access point (read as first wireless device) and other access points (read as second and third wireless device) measuring signal strengths from said an access point (read as first wireless device) and a wireless station (read as fourth wireless device) measuring signal strength from one or more access points including said an access point (read as first wireless device), wherein the location of the wireless station (read as fourth wireless device) is determined and the nearest access point (read as selecting second or third wireless device) is inherently selected based on the signal strengths since the location of access points and wireless stations are already known (see abstract; col.2, lines 14 - 20). Note: The access points are able to measure each others signal strength and thus triangulating a location is within the scope.

Consider **claims 2 and 11** as applied to claims 1 and 10, Kaiser et al. disclose signal strengths are stored at each access points (read as first wireless device) and

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wireless stations (read as plurality of wireless device) (see abstract; col. 2, lines 15 - 43).

Consider **claims 4 and 13** as applied to claims 1 and 10, Kaiser et al. discloses locating wireless stations and thereby inherently determining a plurality of nearest wireless devices (see col. 2, lines 15 - 43).

Consider **claims 5 and 14** as applied to claims 1 and 10, Kaiser et al. discloses access point (read as fifth wireless device) that is able to measure the signal strength of the received at the access point (read as fifth wireless device) from the another access point (read as first wireless device). Kaiser et al. further discloses access points (read as second and third wireless device) and wireless station (read as fourth wireless device) measuring received signal strengths from access point (read as fifth wireless device) (see abstract; col. 2, lines 15 - 43).

Consider **claims 7 and 16** as applied to claims 5 and 14, Kaiser et al. discloses locating wireless stations and thereby inherently determining a plurality of nearest wireless devices (see col. 2, lines 15 - 43).

Consider **claims 8 and 17** as applied to claims 5 and 14, Kaiser et al. discloses access point (read as sixth wireless device) that is able to measure the signal strength of the received at the access point (read as sixth wireless device) from other access points (read as first and fifth wireless device). Kaiser et al. further discloses access points (read as second and third wireless device) and wireless station (read as fourth wireless device) measuring received signal strengths from access point (read as sixth wireless device) (see abstract; col. 2, lines 15 - 43).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 3, 9, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kaiser et al. (U.S. Patent # 6,664,925)** in view of **Kiyose (U.S. Application # 2004/0048571)**.

Consider **claims 3 and 12** as applied to claims 1 and 10, Kaiser et al. fails to disclose the second, third, and fourth wireless devices are positioned substantially on a line extending from the first wireless device.

In the related field of endeavor, Kiyose discloses a printer, PC, and a scanner (read as second, third, and fourth wireless device) substantially on a line extending from Bluetooth device (read as first wireless device) at position A (see fig 8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kaiser et al. with the teachings of Kiyose in order to provide wireless data communication with a communication target.

Consider **claims 9 and 18** as applied to claims 8 and 17, Kaiser et al. disclose access points (read as first, fifth, and sixth wireless devices) and wireless stations (read as fourth wireless device and portable device) (see abstract; col. 2 lines 15 - 43) but fail to disclose second and third wireless devices are service providing devices, where, according to the definition of service providing devices in the specification, they are known as printers.

In the related field of endeavor, Kiyose disclose printer (3) as a service providing device for the PC (4). Examiner is aware that there is only one printer but multiple printers are within the scope of the invention, since a scanner is also disclosed for providing service (see fig. 8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kaiser et al. with the teachings of Kiyose in order to provide printing service in a wireless network.

Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kaiser et al. (U.S. Patent # 6,990,428)**.

Consider **claims 6 and 15** as applied to claims 5 and 14, Kaiser et al. fails to disclose in one embodiment that the second, third, and fourth wireless devices are

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positioned in an area being to one side of a line formed between the first wireless device and the fifth wireless device.

In another embodiment, Kaiser et al. disclose clients (113, 119, & 117) (read as second, third, and fourth wireless devices) are positioned in an area to one side of a line formed between AP1 (107) (read as first wireless device) and AP2 (109) (read as fifth wireless device) (see fig. 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of Kaiser et al. in order to perform location awareness and find nearest wireless device.

Conclusion

6. Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

7. Any inquiry concerning this communication or earlier communications from the

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Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Fayyaz Alam

November 2, 2006

EDAN ORGAD
PATENT EXAMINER/TELECOMM.

Edan Orgad 11/23/06